

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**JANE DOE,  
Plaintiff,**

**vs.**

**KERRVILLE INDEPENDENT  
SCHOOL DISTRICT,  
Defendant.**

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**CIVIL ACTION NO.: 5:21-CV-00369-XR**

**JOINT MOTION TO ADOPT THE JOINT  
PROPOSED AMENDED SCHEDULING ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, Kerrville Independent School District (“Defendant”) and Plaintiff, Jane Doe (“Plaintiff”) and file this Joint Motion to Adopt the Proposed Amended Scheduling Order. In support thereof, the Parties respectfully show the Court the following:

**I. BACKGROUND**

1. On March 9, 2023, the Court issued an amended Scheduling Order [Dkt No. 40].
2. For good cause, the parties have sought additional time to fully brief issues relating to Defendant’s Motion for Summary Judgment.
3. On July 11, 2023, the Court directed the Parties to confer and provide the Court with a proposed amended scheduling order by this date. [Dkt. No. 55].
4. The parties have conferred and jointly submit a Proposed Amended Scheduling Order for the Court’s consideration that permits adequate time to complete the briefing of Defendant’s Motion for Summary Judgment and time for the Court to consider and rule upon said Motion before the parties prepare pretrial submissions.

5. The Parties submit this Motion for Extension to Adopt the Proposed Amended Scheduling Order for review and consideration.

## **II. ARGUMENT AND AUTHORITIES**

6. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court has broad discretion to control its docket and modify a scheduling order. FED. R. CIV. P. 16. The Parties have worked diligently to comply with the Court's Scheduling Order.

7. Because this request to amend the Court's current scheduling order is made before the deadline, it is evaluated under the relatively lenient "good cause" standard. FED. R. CIV. P. 16(b)(4). "There are four relevant factors to consider when determining whether there is good cause under Rule 16(b)(4): (1) the explanation for the failure to timely comply with the scheduling order; (2) the importance of the modification; (3) potential prejudice in allowing the modification; and (4) the availability of a continuance to cure such prejudice." *Squyres v. Heico Companies, L.L.C.*, 782 F.3d 224, 237 (5th Cir. 2015) (internal quotation marks and citation omitted). The Parties assert that a 120-day extension of the pretrial deadlines for parties to this case is necessary due to the fact that the parties have sought and obtained time to complete briefing of Defendant's dispositive motion in this matter scheduled. This requested extension is not frivolous, as it would provide all parties the opportunity to utilize all options available for possible resolution of this case. There is no prejudice to any party or the Court for seeking a brief extension of this deadline, and any potential prejudice can be cured by further continuance of specific deadlines, if necessary.

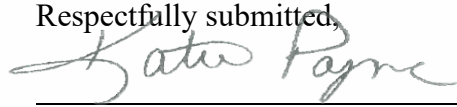
8. The Parties request that the deadline for parties to mediate this case in the amended Scheduling Order [Dkt. No. 40] be extended by one hundred and twenty "120" days and that the Court adopt the Proposed Amended Scheduling Order attached.

9. Further, the Parties request the Court to set a trial date for this matter taking into account the Proposed Scheduling Order.

10. This request is not submitted for the purposes of delay, but so that justice may be done.

Respectfully submitted,

By:



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